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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION



United States of America

Plaintiff,

No. Civ. 4-80-469

and

State of Minnesota, by its Attorney
General Warren Spannaus, its
Department of Health, and its
Pollution Control Agency,

NOTICE OF MOTION
AND MOTION TO INTERVENE

Applicant for
Intervention,

vs.

Reilly Tar & Chemical Corp.;
Housing and Redevelopment Authority
of St. Louis Park; Oak Park Village
Associates; Rustic Oaks Condominium,
Inc.; and Philips Investment Co.,

Defendants.

TO: Thomas K. Berg, United States Attorney, Francis X. Hermann,
Assistant United States Attorney, 110 S. 4th Street,
Minneapolis, Minnesota, 55401, and Angus Macbeth, Acting
Assistant Attorney General, Attorneys for Plaintiff United
States of America; and

Edward J. Schwartzbauer, William J. Keppel, and Dorsey,
Windhorst, Hannaford, Whitney & Halladay, 2300 First National
Bank Building, Minneapolis, Minnesota 55402, and Thomas E.
Reiersgord and Yngve & Reiersgord, 6250 Wayzata Blvd.,
Minneapolis, Minnesota 55416, attorneys for Defendant Reilly
Tar & Chemical Corporation; and Wayne G. Popham, Allen
Hinderaker, and Popham, Haik, Schnobrich, Kaufman & Doty,
Ltd., 4344 IDS Center, Minneapolis, Minnesota 55402, attor-
neys for Defendant Housing and Redevelopment Authority of St.
Louis Park, Minnesota; and defendant Oak Park Village
Associates and its attorneys; and defendant Rustic Oaks
Condominium, Inc. and its attorneys; and defendant Philip's
Investment Co. and its attorneys:

PLEASE TAKE NOTICE that on the 10th day of October, 1980, at
2 o'clock p.m., or as soon thereafter as counsel may be heard,
before the Honorable Floyd E. Boline, in Room 661 of the United
States Federal Building and Courthouse, 110 South Fourth Street,
Minneapolis, Minnesota, the State of Minnesota will move for leave
to intervene as a party plaintiff in this action in order to
assert the claims set forth in its proposed complaint in
intervention, a copy of which is attached hereto.

The grounds for this motion are that the State is entitled to intervene as a matter of right under Rule 24(a)(1), Fed. R. Civ. P., and 42 U.S.C. § 6972(b)(2), and also under Rule 24(a)(2), Fed. R. Civ. P.; alternatively, that the state should be granted permissive intervention under Rule 24(b), Fed. R. Civ. P.; and that, under the doctrine of pendent jurisdiction, the State should be allowed to plead state law claims which arise out of the same operative facts as the claim of the United States.

Dated: September 16, 1980.

Respectfully submitted,

WARREN SPANNAUS
Attorney General
State of Minnesota

WILLIAM P. DONOHUE
Special Assistant
Attorney General

DENNIS M. COYNE
Special Assistant
Attorney General

By: /s/ Stephen Shakman
STEPHEN SHAKMAN
Special Assistant
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